

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**APPLICANT:** Sieben et al.      **GROUP:** Not yet assigned  
**SERIAL NO:** 10/551,208      **EXAMINER:** Not yet assigned  
**FILED:** September 28, 2005  
**FOR:** DEVICE AND METHOD FOR SEARCHING AND PROCESSING DATA IN  
A MASS STORAGE DEVICE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**PETITION UNDER 37 C.F.R. 1.47 (d)**

The applicant hereby submits a petition since one of the inventors in this application, Werner Sinnhöfer, who works for the applicant, Micronas GmbH, and is unable to execute the declaration.

The present application claims priority from German parent application 10 2004 046 519.3 filed September 23, 2004, naming inventors Ulrich Sieben and Werner Sinnhöfer. The present application was filed in the United States Patent and Trademark Office on September 28, 2005.

On October 17, 2005, the undersigned attorney forwarded a copy of a declaration and power of attorney, a copy of which is attached hereto as Exhibit A, to German counsel for inventors Messrs. Sieben and Sinnhöfer to sign.

On November 24, 2005, the German counsel representing the applicant, Micronas GmbH, informed us that Mr. Sinnhöfer is unable to sign the declaration and power of attorney document. See Exhibit B for a copy of the letter between the undersigned attorney and legal representatives for the applicant, Micronas GmbH.

The undersigned has been informed by co-inventor Ulrich Sieben that Mr. Sinnhöfer has suffered a stroke.

On November 24, 2005, the undersigned received the declaration and power of attorney executed by Ulrich Sieben from German counsel.

The applicant, Micronas GmbH, has been unable to secure the signature of one of the inventors, Werner Sinnhöfer, due to his unfortunate stroke.

Upon information and belief, under German law, Mr. Sinnhöfer has a legal obligation to assign all right, title and interest in the above-application to Micronas GmbH.

The applicants represented hereby respectfully request granting of this petition in order to complete the application filing process and prevent irreparable harm to Micronas GmbH.

Respectfully submitted,



Patrick J. O'Shea  
Patrick J. O'Shea  
Reg. No. 35,305  
O'Shea, Getz & Kosakowski, P.C.  
1500 Main Street, Suite 912  
Springfield, MA 01115  
(413) 731-3100 x102

**DECLARATION AND POWER OF ATTORNEY**

We, the below named inventors, hereby declare that:

Our residences, post office addresses, and citizenships are as stated below next to our names.

We believe we are the original, first, and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled **DEVICE AND METHOD FOR SEARCHING AND PROCESSING DATA IN A MASS STORAGE DEVICE**, the specification which was filed with the United States Patent and Trademark Office on September 28, 2005 and designated Serial No. 10/551,208.

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims.

We acknowledge the duty to disclose information which is material to patentability in accordance with Title 37, Code of Federal Regulations, Section 1.56.

We hereby claim foreign priority benefits under Title 35, United States Code §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate filed by us on the same subject matter having a filing date before that of the applications on which priority is claimed: International Patent Application No. PCT/EP2004/003225 filed on March 26, 2004, German Patent Application No. 103 14 376.9 filed March 28, 2003, and German Patent Application No. 103 39 185.1 filed August 26, 2003.

We hereby declare that all statements are made hereby of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

And we hereby appoint:

Patrick J. O'Shea	-	Reg. No. 35,305
Richard D. Getz	-	Reg. No. 36,147
Richard H. Kosakowski.	-	Reg. No. 33,934

all of the firm of O'Shea, Getz & Kosakowski, P.C., our attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

We request that all correspondence be directed to:

Patrick J. O'Shea, Esq.  
O'Shea, Getz & Kosakowski, P.C.  
1500 Main Street, Suite 912  
Springfield, MA 01115

---

Ulrich Sieben Date

Residence: Kronengasse 7  
D-79276 Reute  
Germany

Citizenship: German

Post Office Address: Same as above

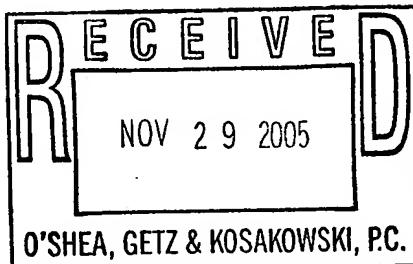
Werner Sinnhöfer	Date
Residence:	Vogesenstrasse 8 D-79276 Reute Germany
Citizenship	German
Post Office Address:	Same as above

O'Shea, Getz & Kosakowski, P.C.

**Mr. Patrick J. O'Shea**

1500 Main Street, Suite 912

Springfield, MA 01115  
USA



Our ref:  
MIC202US

Your ref:  
3000-34

Villingen-Schwenningen,  
November 24, 2005

**Patent application No. 10/551,208 in the USA  
based on Int. patent application PCT/EP2004/003225  
Title: Device and method for searching and processing data in a mass storage device  
Applicant: MICRONAS GmbH**

Dear Patrick:

We refer to your letter of October 17, 2005.

Enclosed please find

- the signed declaration and power of attorney
- the signed assignment

for filing with the USPTO.

Werner Sinnhöfer, one of the inventors, is unable to sign these documents on grounds of ill health.

Sincerely

Dr. Bernd Mussgnug

55

**Enclosures**

mentioned above